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NEHEMIAH AVILA

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

NEHEMIAH AVILA,

Defendant.

Case No.: 2:21-cr-020 JAM

STIPULATION AND ~~PROPOSED~~ ORDER
MODIFYING DEFENDANT'S SPECIAL
CONDITIONS OF RELEASE

Defendant Nehemiah Avila has been released on pre-trial conditions in this matter since June 12, 2023. This Stipulation requests modification of three of Defendant Avila's Special Conditions of Release. Special Condition of Release 2 provides that "You are released to the third-party custody of your mother, Geraldine Regaldo, and must not move or absent yourself from this residence for more than 24 hours without the prior approval of the pre-trial services officer." Special Condition of Release 15 requires Nehemiah Avila to "participate in ... location

ORDER MODIFYING PRE-TRIAL
RELEASE CONDITIONS

1 monitoring ..., which will include having a location monitoring unit installed in your residence
2 and a radio frequency transmitter device attached to your person.” (Special Condition Number
3 15, ECF Entry 79). Modified Special Condition 16 imposed a curfew requiring Nehemiah Avila
4 to remain inside his residence during specified hours. (Modified Special Condition Number 16,
5 ECF Entry 87).
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7 The parties to this action, Plaintiff United States of America by and through Assistant
8 United States Attorney Adrian Kinsella, and Defendant Nehemiah Avila by and through his
9 attorney Todd D. Leras, stipulate as follows:
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- 11 1. Mr. Avila is supervised for compliance with his pre-trial release conditions by
12 Pretrial Services Intensive Supervision Specialist Lorena Gallagher. On July 30,
13 2024, Ms. Gallagher sent an email to defense counsel indicating that Nehemiah Avila
14 has been in overall compliance with his conditions of release for over a year. She
15 further confirmed the request of Pretrial Services to remove the location monitoring
16 and curfew requirements imposed respectively by Special Condition 15 and Modified
17 Special Condition 16.
18
- 19 2. On August 14, 2024, Ms. Gallagher requested that Special Condition of Release 2 be
20 modified as follows: “You are released to the third-party custody of Geraldine
21 Regaldo.”
22
- 23 3. The government and defense counsel have no objection to modification of Special
24 Condition 2 and removal of the location monitoring and curfew conditions.
25

26 The parties therefore request modification of Mr. Avila’s Special Conditions of Release
27 to modify Special Condition Number 2, and to remove Special Conditions Number 15 and 16
28

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RELEASE CONDITIONS

1 relating, respectively, to imposition of location monitoring and a curfew. All other general and
2 special conditions of release previously ordered shall remain in full force and effect.

3 Assistant U.S. Attorney Adrian Kinsella has reviewed this stipulation and proposed order
4 and authorized (via email) Todd Leras to sign it on his behalf.
5

6
7 DATED: August 15, 2024

8 By /s/ Todd D. Leras for
ADRIAN KINSELLA
9 Assistant United States Attorney

10 DATED: August 15, 2024

11 By /s/ Todd D. Leras
TODD D. LERAS
12 Attorney for Defendant
13 NEHEMIAH AVILA
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28 ORDER MODIFYING PRE-TRIAL
RELEASE CONDITIONS

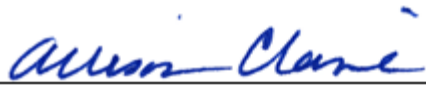
ORDER

BASED ON THE REPRESENTATIONS AND STIPULATION OF THE PARTIES, it is hereby ordered that Special Condition of Release Number 2 (ECF Docket Entry 79) is modified to state: "You are released to the third-party custody of Geraldine Regaldo." Special Condition of Release Number 15 (ECF Docket Entry 79), requiring Defendant Nehemiah Avila to participate in a location monitoring program, and Modified Special Condition of Release 16 (ECF Docket Entry 86), imposing a curfew during specified hours, are eliminated.

All other general and special conditions of release imposed by this Court as to Defendant Nehemiah Avila shall remain in full force and effect.

IT IS SO ORDERED.

DATED: August 16, 2024


ALLISON CLAIRE
UNITED STATES MAGISTRATE JUDGE

ORDER MODIFYING PRE-TRIAL
RELEASE CONDITIONS